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09/986,253	11/08/2001	Tomoyuki Ohno	35.C15940	5016

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EXAMINER	
MILIA, MARK R	

ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/986,253	OHNO ET AL.	
	Examiner	Art Unit	
	Mark R. Milia	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-68* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 November 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/14/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: In Figs. 10A and 10B, reference character (900) and Figs. 12A, 12B, 13A, and 13B, reference character (1100). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 11, 15-25, 28, 30-40, 45-56, and 59-68 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6870571 to Narushima et al.

Regarding claims 1, 20, and 67, Narushima discloses a data receiving apparatus, method, and storage medium storing program data comprising: reception means for receiving a data train including first data and second data for printing, said data train further including identification data for identifying presence or absence of said second data in said data train (see Fig. 8, column 4 lines 49-55, column 8 lines 15-24 and 53-58, column 9 line 21-column 11 line 5, column 16 line 61-column 17 line 6, and column 28 lines 48-53), display control means for causing display means to display an image relating to said first data in the data train received by said reception means (see Figs. 8-10, column 8 lines 15-20, column 11 lines 19-30, column 12 lines 16-27, and column 15 lines 5-36), print control means for causing print means to print an image relating to said second data in the data train received by said reception means (see Figs. 8-10 and 12, column 13 lines 24-56, column 16 line 46-column 17 line 6, and column 28 lines 48-53),

and control means for causing said display means to display the image relating to said first data and executing an informing operation to an operator of information relating to said second data according to said identification data in said received data train (see Figs. 8-10, column 8 lines 53-58, column 9 line 21-column 11 line 35, column 13 lines 3-15, and column 22 line 49-column 23 line 35).

Regarding claims 24, 53, and 68, Narushima discloses a data receiving apparatus, method, and storage medium storing program data comprising: reception means for receiving a data train including first information and data containing moving image second data constituting additional information of said first data, including identification data said data train further for identifying the second data in said data presence or absence of said train (see Fig. 8, column 4 lines 49-55, column 7 line 63-column 8 line 4, column 8 lines 15-24 and 53-58, column 9 line 21-column 11 line 5, column 16 line 61-column 17 line 6, and column 28 lines 48-53), display control means for causing display means to display an image relating to said first data in the data train received by said reception means (see Figs. 8-10, column 8 lines 15-20, column 11 lines 19-30, column 12 lines 16-27, and column 15 lines 5-36), print control means for causing print means to print an image relating to said second data in the data train received by said reception means (see Figs. 8-10 and 12, column 13 lines 24-56, column 16 line 46-column 17 line 6, and column 28 lines 48-53), detection means for detecting the presence or absence of the second data in said data train based on said identification data (see Fig. 8, column 9 lines 39-43, and column 10 line 17-column 11 line 30), and control means for causing said display means to display an image relating

to said first data and executing an informing operation to the operator of the information relating to said second data according to the result of detection by said detection means (see Figs. 8-10, column 8 lines 53-58, column 9 line 21-column 11 line 35, column 13 lines 3-15, and column 22 line 49-column 23 line 35).

Regarding claims 2, 21, 35, and 54, Narushima discloses the system discussed in claims 1, 20, 34, and 53, and further discloses instruction means for instructing the printing of said second data by said print means (see Fig. 10, column 13 lines 24-43, column 15 lines 25-26, and column 22 lines 49-53), and wherein said control means controls said print control means so as to output said second data to said print means in response to the print instruction for said second data by said instruction means in the course of said informing operation (see column 13 lines 24-43, column 16 line 46-column 17 line 6, and column 22 line 49-column 23 line 35).

Regarding claims 3 and 36, Narushima discloses the system discussed in claims 2 and 35, and further discloses wherein: said instruction means further instructs output of said second data to accumulation means (see column 24 lines 37-41), and said control means executes such control as to output said second data to said accumulation means in case of an instruction by said instruction means at a predetermined timing (see column 24 line 29-column 25 line 20).

Regarding claims 4, 22, 37, and 55, Narushima discloses the system discussed in claims 1, 20, 34, and 53, and further discloses wherein, when said second data are identified to be present in said data train according to said identification data, said control means controls said display control means so as to cause said display means to

display a predetermined image together with the image relating to said first data (see Figs. 8 and 10, column 9 line 21-column 11 line 30, column 12 lines 16-27, and column 15 lines 5-36).

Regarding claims 5, 23, 38, and 56, Narushima discloses the system discussed in claims 4, 22, 37, and 55, and further discloses wherein: said data train includes attribute information of said second data (see column 9 lines 39-43 and column 13 lines 24-43), and said control means controls said display control means so as to cause said display means to display said predetermined image according to said attribute information (see column 10 line 52-column 11 line 18 and column 13 lines 16-23).

Regarding claim 6, Narushima discloses the system discussed in claim 5, and further discloses wherein said display control means so as to cause said display means to display by automatically switching plural said predetermined images respectively relating to plural said attribute information (see column 13 lines 44-56).

Regarding claim 7, Narushima discloses the system discussed in claim 5, and further discloses instruction means for instructing switching of plural said predetermined images respectively relating to plural said attribute information (see column 13 lines 44-56), wherein said control means controls said display control means so as to switch said predetermined images according to the instruction by said instruction means (see Fig. 9, column 13 lines 44-56, and column 14 lines 32-37).

Regarding claims 8, 24, and 39, Narushima discloses the system discussed in claims 5, 23, and 38, and further discloses wherein said attribute information includes at least one of the information including data format of said second data, size of a print

output sheet, number of the print output sheets, content of the data, whether or not the data are storable, transmission start time of the data and transmission end time of the data (see column 13 lines 24-34).

Regarding claims 10, 25, and 40, Narushima discloses the system discussed in claims 1, 20, and 34, and further discloses wherein, when said second data are identified to be present in said data train according to said identification data, said control means controls said display control means so as to display an image according to the state of said print means for printing said second data (see column 13 lines 24-56).

Regarding claims 11, 26, 41, and 57, Narushima discloses the system discussed in claims 1, 20, 34, and 53, and further discloses audio output control means for causing audio output means to execute an audio output (see Figs. 8-10 and column 9 line 25), and wherein, when said second data are identified to be present in said data train according to said identification data, said control means controls said audio output control means so as to cause said audio output means to output an audio signal (see column 10 lines 45-51 and column 14 lines 55-57).

Regarding claims 15 and 30, Narushima discloses the system discussed in claims 1 and 20, and further discloses wherein said second data are additional information relating to said first data (see Fig. 8, column 12 lines 16-27, column 13 lines 3-15, and column 17 lines 16-20).

Regarding claims 16 and 31, Narushima discloses the system discussed in claims 15 and 30, and further discloses wherein said data train further includes third

data constituting additional information of said first data, and said control means controls said display control means so as to cause said display means to display an image relating to said third data (see Fig. 10 and column 9 lines 39-45).

Regarding claim 17 and 32, Narushima discloses the system discussed in claims 16 and 31, and further discloses wherein said data train is transmitted by digital television broadcasting, and said third data are data broadcasting data (see column 7 line 63-column 8 line 20, column 9 lines 33-51, and column 10 lines 52-67).

Regarding claims 18, 50, and 64, Narushima discloses the system discussed in claims 1, 34, and 53, and further discloses wherein said data train is transmitted by digital television broadcasting, and said first data are program data including image and audio signals of a program (see Fig. 8, column 7 line 63-column 8 line 20, column 9 lines 33-51, and column 10 lines 45-67).

Regarding claim 19, Narushima discloses the system discussed in claim 18, and further discloses wherein said second data are print data related to said program (see column 12 lines 23-27, column 13 lines 3-56, and column 16 line 61-column 17 line 6).

Regarding claim 33, Narushima discloses the system discussed in claim 20, and further discloses wherein said data train is transmitted by digital television broadcasting (see column 8 lines 5-20).

Regarding claims 45 and 59, Narushima discloses the system discussed in claims 34 and 53, and further discloses wherein said second data include print data for said additional information, and said control means controls said print control means so

as to output said print data to said print means (see Figs. 8-10, column 12 lines 23-27, column 13 lines 3-43, and column 16 line 46-column 17 line 6).

Regarding claims 46 and 60, Narushima discloses the system discussed in claims 45 and 59, and further discloses wherein: said second data further include display data for said additional information (see Figs. 8-10 and column 10 line 17-column 11 line 30), and said control means controls said display control means so as to output said display data to said display means (see column 11 lines 1-30).

Regarding claims 47 and 61, Narushima discloses the system discussed in claims 46 and 60, and further discloses wherein, when said detection means detects the presence of either of said print data and said display data, said control means executes control so as to execute said informing operation (see Fig. 8 and column 9 line 21-column 11 line 30).

Regarding claims 48 and 62, Narushima discloses the system discussed in claims 34 and 53, and further discloses wherein said second data include additional information relating to said first data, print control data for printing said additional information, and display control data for displaying said additional information (see Fig. 8 and column 9 line 21-column 11 line 30).

Regarding claims 49 and 63, Narushima discloses the system discussed in claims 48 and 62, and further discloses wherein, when said detection means detects presence of either of said print control data and said display control data, said control means executes control so as to execute said informing operation (see Fig. 8 and column 9 line 21-column 11 line 30).

Regarding claims 51 and 65, Narushima discloses the system discussed in claims 50 and 54, and further discloses wherein said second data are additional information relating to said program, including display data and print data of said additional information (see Fig. 8, column 9 line 21-column 11 line 30, column 13 lines 3-56, column 14 lines 32-37, column 15 lines 5-36, column 16 line 46-column 17 line 6, and column 22 line 49-column 23 line 35).

Regarding claims 52 and 66, Narushima discloses the system discussed in claims 50 and 64, and further discloses wherein said second data are additional information relating to said program, further including display control data for displaying said additional information and print control data for printing said additional information (see Fig. 8, column 9 line 21-column 11 line 30, column 13 lines 3-56, column 14 lines 32-37, column 15 lines 5-36, column 16 line 46-column 17 line 6, and column 22 line 49-column 23 line 35).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narushima as applied to claim 8 above, and further in view of Japanese Patent

Document No. 07-076155 to Nabeta. Reference will be made to computer translation, which is hereby attached.

Narushima does not disclose expressly wherein said control means controls so as to execute countdown display to the transmission start (or end) time of said second data, based on the information relating to the transmission start (or end) time of said data.

Nabeta discloses displaying the waiting time until a print job completion (see abstract and paragraphs [0005], [0006], and [0015]).

Narushima & Nabeta are combinable because they are from the same field of endeavor, displaying and printing of desired information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the display of the wait time until a print job is complete as described by Nabeta and well known in the art with the system of Narushima.

The suggestion/motivation for doing so would have been to provide a way to inform a user of the time it will take to print a job to alleviate the chance of a user accidentally trying to print an image a plurality of times.

Therefore, it would have been obvious to combine Nabeta with Narushima to obtain the invention as specified in claim 9.

Claims 12-14, 27-29, 42-44, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narushima as applied to claims 1, 11, 20, 26, 34, 41, and 57 above, and further in view of U.S. Patent No. 5594426 to Ushijima.

Narushima discloses (*claims 12, 27, 42, and 58*) wherein said data train includes attribute information of said second data (see column 9 lines 39-43 and column 13 lines 24-43) and (*claims 13, 28, and 43*) wherein said attribute information includes at least one of the information including data format of said second data, size of a print output sheet, number of the print output sheets, content of the data, whether or not the data are storable, transmission start time of the data and transmission end time of the data (see column 13 lines 24-34).

Narushima does not disclose expressly (*claim 12*) wherein said control means controls said audio output control means so as to cause said audio output means to output said predetermined audio signal according to said attribute information and (*claims 14, 29, and 44*) wherein, when said second data are identified to be present in said data train according to said identification data, said control means controls said audio output control means so as to output an audio signal according to the status of said print means for printing said second data.

Ushijima discloses (*claim 12*) wherein said control means controls said audio output control means so as to cause said audio output means to output said predetermined audio signal according to said information (see column 8 lines 16-41) and (*claims 14, 29, and 44*) wherein, said control means controls said audio output control means so as to output an audio signal according a change in information (see column 8 lines 16-41).

Narushima & Ushijima are combinable because they are from the same problem solving area, notification of a change or error in a network system.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the use of an audio signal to alert a user of a change as described by Ushijima with the system of Narushima.

The suggestion/motivation for doing so would have been to ensure the attention of the user has been attained.

Therefore, it would have been obvious to combine Ushijima with Narushima to obtain the invention as specified in claims 12-14, 27-29, 42-44, and 58.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to attached Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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